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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

In re Application of	:	DECISION ON
MOLLER	:	
Application No.: 10/590,349	:	PETITION UNDER
PCT No.: PCT/DK2005/000118	:	
Int. Filing Date: 22 February 2005	:	37 CFR § 1.47(b)
Priority Date: 23 February 2004	:	
Attorney Docket No.: 55320.002081	:	
For: METHOD FOR MEASURING MASS	:	
FLOW OF A MULTI-COMPONENT GAS	:	

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 12 February 2007, which has properly been treated as a petition under 37 CFR 1.47(b).

BACKGROUND

On 22 February 2005, applicant filed international application PCT/DK2005/000118, which designated the US and claimed a priority date of 23 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 01 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 August 2006.

On 23 August 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and an unexecuted declaration of the inventor.

On 12 February 2007, applicant filed the instant submission which includes a declaration of the inventor apparently signed by someone other than the inventor on behalf of Geopal System A/S. The submission of this declaration has properly been treated as a petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or

declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

The only item attempted to be satisfied is item (4). However, that item has not been met. The name of the person signing is not stated, nor is the title or position of that person stated. See MPEP § 409.03(b), item (A).

Attention is directed to MPEP § 409.03 *et seq.* for a discussion of petitions under 37 CFR 1.47(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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